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Attorney File Ref: 102792-1070 / 11345P5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Krishanthi BALAKRISHNAN
Serial No.: 10/578282
Filed: 16.Nov.2007
Examiner: Audrea BUCKLEY
Art Group: 1611
Title: **PRODUCT AND METHOD FOR CONTROLLING FLYING
INSECTS**

PER TELEFAX (571) 273-8300

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

01.February.2010

Dear Sir;

RESPONSE

This paper is responsive to the *Restriction Requirement/Election of Species Requirement* dated 14.Sep.2009.

This paper incorporates a Petition for a 4-Month Extension of Time in order to permit for the timely entry of this response.

This paper is being concurrently filed with a *Statement under 37 CFR 3.73(b)* (Form PTO/SB/96) and a *Revocation of Power of Attorney with New Power of Attorney and*

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Change of Correspondence Address (Form PTO/SB/82), which are being separately filed under separate cover.

In the paper dated 14.Sep.2009, the Examiner asserts that:

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

All claims are generic and drawn to a cellulosic substrate for controlling flying insects. Each invention contains a common technical feature of a pyrethroid and a carrier solvent, but the essential technical features are not defined. As such, unity is broken. Applicant is required to choose for search and examination purposes a particular embodiment of the invention.

The applicant TRAVERSES the Examiner's requirement for an election of a specific species of the invention, and asserts that while the Examiner admits that a "carrier", a "pyrethroid" and a "carrier solvent" are common to all of the claims, the Examiner later asserts that such are insufficient to be considered a common technical feature and thus provide a basis for consideration and a concurrent search of all of the claims. The applicant notes that independent claims 1, 4, 23, 26, 30, 33, 35, 38, 49, 50, 51, 52, 53, and 54 are all reasonably technically proximate and are thus believed to permit for an effective and concurrent search of all of the limitations of these claims by the Examiner, without imposing an undue burden. Accordingly, reconsideration of the election of species requirement is solicited.

Should the Examiner maintain the requirement for an election of a specific species of the invention, the applicant provisionally elects the embodiment encompassed by independent claim 4, as previously amended, namely:

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4. (Currently Amended) A cellulosic based-substrate ~~or matrix~~ for controlling flying insects, the cellulosic based-substrate ~~or matrix~~ ~~impregnated and/or dosed with~~ comprising an insecticidally effective amount of a vapour active pyrethroid ~~in and~~ a carrier solvent, wherein the vapour active pyrethroid is selected from the group consisting of metofluthrin, transfluthrin, empenithrin, methothrin, tefluthrin, and fenfluthrin or mixtures thereof and the carrier solvent has an evaporation rate according to ASTM D3539-87 of less than approximately 1.0, a boiling point range at or above about 120°C to below about 300°C and a polarity index in the range of approximately 0.0-4.0, such that the vapour active pyrethroid is ~~emanated~~ released into the environment at a rate of at least approximately 0.040 ~~mg/h-mg-h⁻¹~~.

As well as dependent claim 5.

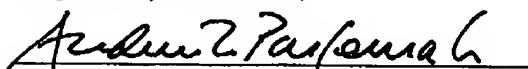
PETITION FOR A FOUR-MONTH EXTENSION OF TIME

Applicants respectfully petition for a four-month extension of time in order to permit for the timely entry of this response. The Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263 with respect to this petition.

CONDITIONAL AUTHORIZATION FOR FEES

Should any further fee be required by the Commissioner in order to permit the timely entry of this paper, the Commissioner is authorized to charge any such fee to Deposit Account No. 14-1263.

Respectfully Submitted;



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